

March 6, 1963

MEMORANDUM FOR

THE PRESIDENT

FROM

Theodore C. Sorenson

The following piece of information provided me by the Office of Education may be useful at some appropriate time:

Outside of Africa south of the Sahara, where education is still a difficult challenge, the only jurisdictions on earth known not to provide free public elementary education at this time are:

Communist China
North Vietnam
Sarawak
Singapore
British Honduras
Prince Edward County, Virginia

c/c to The Attorney General

Assistant Attorney General Burke Marshall ✓
Education Commissioner Frank Keppel

"TO THINE OWNSELF BE TRUE" *

Speech by
**A. Leon Higginbotham, Jr., Commissioner
Federal Trade Commission**

Testimonial Dinner for
DR. HORACE DADFORD WEST, President of Meharry Medical College
Monday, February 25, 1963 8:00 P.M.

**Dr. West,
Dr. Cobb,
Distinguished Guests,
Alumni of Meharry,
Leaders in Medicine,
and Friends:**

On this my first trip to the great State of Tennessee, I am profoundly honored to be present at such an auspicious occasion.

I have always envisioned Nashville as the progenitor of great intellectual accomplishments - surrounded by a cluster of outstanding universities with Meharry Medical College as a pre-eminent center of medical knowledge and science.

I note that you have three themes this evening - "Light, Liberty and Learning".

As a lawyer who has been active with the NAACP and other civil rights organizations, liberty for all has always been one of my dominant concerns, and from your rich

* Shakespeare - "Hamlet" - Act I, Scene 3.

Tennessee heritage, I note that the great Tennessean, Andrew Jackson, has left a legacy in behalf of liberty, law and order which is instructive to all of us - particularly during these days when there is a rightfully accelerated demand to make America literally the "Land of the Free and the Home of the Brave".

In 1815 when it appeared certain that New Orleans would be invaded and conquered by the British, Andrew Jackson with a small brigade defeated them. The story goes that this battle was fought while women and children prayed in the streets for their city to be saved. During the midst of the campaign after he had declared martial law, Jackson had a newspaper editor arrested for an article written critical of Jackson's administration under martial law; when a federal judge for the Territory of New Orleans issued a writ of habeas corpus to release the editor from jail, Jackson ordered that the judge be arrested or banished from the territory. When martial law was terminated and civil law reinstated, the first action of the judge was to issue a show cause order against Jackson for a contempt hearing. On the date of the trial, Jackson dutifully obeyed the order by appearing in the courtroom. On that day he wore civilian clothes rather than his usually colorful military regalia and thus was not recognized by the crowd when he first arrived. The judge found Jackson

guilty and fined him \$1,000.00 which, without appeal, he paid forthwith. Upon leaving the courtroom, he was greeted by a tumultuous crowd of his followers and admirers, waiting for him at the steps and courthouse yard. For the mass of folk in New Orleans on that day, Jackson was their savior and because of his heroic defense of their city, they had bestowed upon him the title of "The Hero of New Orleans".

Most persons there felt, due to the exigencies of a military invasion by the foreign enemy, that the fine and contempt verdict were unwarranted; accordingly they were willing to take whatever actions, riotous or otherwise, suggested by Jackson. Yet, in this potentially explosive and rebellious setting, Jackson with total calmness made an impassioned speech for constitutional law and order when replying to the volatile crowd as follows:

"I have during the invasion exerted every one of my faculties for the defence and preservation of the Constitution and the laws. On this day I have been called upon to submit to their operations, under circumstances which many persons might have thought sufficient to justify resistance. Considering obedience to

the laws, even when we think them unjustly applied, as the first duty of a citizen, and I do not hesitate to comply with the sentence you have heard pronounced; and I entreat you to remember the example I have given you of respectful submission to the administration of justice".

Later as President of the United States, Jackson was confronted with a threatened secession by South Carolina in 1832. A state convention had declared "null and void" the 1828 and 1832 federal tariffs and threatened that it would secede in 1833 if the Federal Government attempted to collect duties. For this defiance on December 10, 1832, Jackson issued a proclamation telling the people of South Carolina that disunion by force was armed treason, and said:

"I consider the power to annul a law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed."

Thus, regardless of whatever eccentricities Jackson may have had, these quotations on the subject of liberty contain prophetic advice to every citizen and particularly for every state official, in every region of our country.

As to liberty and equality for the Negro, in my opinion we have today the most effective Attorney General in the history of this nation. It is of significance that Attorney General Robert Kennedy's first formal speech was given at the University of Georgia Law School and there on May 6, 1961, he noted:

"In all cases ... I say to you today that if the orders of the court are circumvented, the Department of Justice will act. We will not stand by or be aloof. We will move ..."

And in your State of Tennessee, you can note the impact not of promises but of movement. As an example, because of the heroic determination of Negro citizens and the appropriate supporting action of the United States Department of Justice, from 1960 to 1962 the "... number of Negroes registered has increased from none to more than 2,000 in Haywood County, and from 58 to more than 3,000 in Fayette County."

Yet, we are here today to do more than merely catalogue present accomplishments or acknowledge a theoretical landmark of Jacksonian democracy since we know that such heritage has often not been implemented for America's oft forgotten brother - the Negro. We are here to commend a great man, Dr. Harold D. West; we are here to salute a distinguished medical school, Meharry Medical College - for what both Dr. West and Meharry Medical College have done for the Negro in America - to make him a vital and healthy part of America, and for what this institution and man have done to assure that the American dream of life, liberty and happiness applies to all men - both black and white.

As I again look at your theme of "Light, Liberty and Learning", "Truth" is the one word which pervades all three elements. If my remarks were to be cast in a text, I would choose them from Shakespeare in Polonius' admonition to Laertes: "This above all: To thine ownself be true, and it must follow, as the night the day, thou canst not then be false to any man".

The highest praise that I can give to Meharry is that it has been true to itself and to its ideals. And those ideals are not the narrow ideals of one religion or race but rather the perfections towards which ALL men and women strive.

Let us look at some of the great truths of medicine and great truths of Meharry - first as to Meharry's impact: One who would dare to envision the impact of Meharry could first think in far off Africa; there an African with malaria - perhaps a mother who could speak only Swahili - might yesterday have been saved from certain death, saved because she had been treated by a physician trained at Meharry; or saved because she had received medicine through a public health program initiated by an African who studied at Meharry. This thought is not based on conjecture, I have been in Africa, I have met some of your distinguished graduates such as Dr. Malikibu; I have noted their indomitable efforts to lift the health level of Africa. Indeed the sharp impact of their program is now being felt in the jungles and in the towns throughout that vast continent.

Perhaps tomorrow in New York City, as the result of an automobile accident, a child will have a basal fracture with a subarachnoid hemorrhage and subdural hematoma; and that child may be able to live because the pressure is released from the brain by the delicate and meticulous skill of a neuro-surgeon who received his early medical training at Meharry. And this very night millions of Negroes will go to bed perhaps some without knowing that their life expectancy is

now greater than that of their parents, and the Negro's life expectancy is longer because hundreds of Meharry graduates are and have been providing for Negroes first class medical care in cities and towns where they would not have received any medical care if it had not been for Meharry.

Think of it! Meharry has trained 50% of the Negro physicians and dentists now practicing in this country. If there had not been Meharry, many American Negroes would not have had any physician and, I repeat, not any physician of any race or any color. Thus, the brutal fact of our heritage is that in many farms, hamlets and towns the choice would have been and still is either no medical care or a Meharry trained physician.

Tonight, we acknowledge and thank God that morticians and cemeteries have been deprived of profits because there have been Meharry doctors to make the sick recover and make the weak strong.

As we look at the truth of our America, we know that America is now stronger because there has been a Meharry. For the battles ahead in the fight against totalitarianism, America, because of Meharry physicians, has a greater capacity to survive; Meharry has caused the

colored segment of the nation to have steadily improving health so that they can apply their muscles to the wheels of industry and their brains to the technology of tomorrow. Thus tonight white America can sleep more securely because in their nation's defense there is an extra margin provided by the increasing vigor and sturdiness of the Negro's body and mind.

The importance of the nation's health was eloquently expressed by the President last week in his special message to the Congress for additional funds for an expanded program pertaining to professional health personnel and health facilities. He stated:

"Healthy people build a stronger nation, and make a maximum contribution to its growth and development. Good health for all our people [and I emphasize the word all] is a continuous goal. In a democratic society where every human life is precious, we can aspire to no less."

Perhaps we are here today to also pay homage to another great truth - the truth of medicine - that no group and no nation can claim that it is the sole or exclusive contributor to medicine. Instead our sciences' greatness is derived from the very heterogeneity of its contributors. Dr. Cobb and his associates have presented commendable scholarly

data to indicate that the earliest historical figure of importance in medicine was Imhotep in about 3000 B.C. Thus, Imhotep is a vivid reminder that before any other color, a black skin was associated with distinction in medicine. Negroes view with pride the great contributions made by Dr. Drew in blood plasma; Dr. Cobb in anatomy; Dr. West with amino acid; Dr. Wright and his distinguished daughter and hundreds of others who by the profoundness of their contributions have helped to obliterate disease and expand our life expectancy to the paradoxical point that the science of geriatrics, or old age, has become a household word.

Dr. Fosdick has captured the concept with greater eloquence than most when he said:

"Whether we wish it or not, an indelible pattern of unity has been woven into the society of mankind. There is not an area of activity in which this cannot be illustrated. An American soldier wounded on the battlefield in the Far East owes his life to the Japanese scientist, Kitasato, who isolated the bacillus of tetanus. A Russian soldier saved by a blood transfusion is indebted to Lansteiner,

an Austrian. A German soldier is shielded from typhoid fever with the help of a Russian, Metchnikoff. A Dutch marine in the East Indies is protected from malaria because of the experiments of an Italian, Grassi; while a British aviator in North America escapes death from surgical operation because a Frenchman, Pasteur, and a German, Koch, elaborated a technique in peace as in war.

"We are all beneficiaries of contributions to knowledge made by every nation in the world. Our children are guarded from diphtheria by what a Japanese and a German did. They are protected from rabies because of a Frenchman. They are cured of pellagra from the researches of an Austrian. From birth to death they are surrounded by an invisible company - the spirits of men who never served a lesser loyalty than the welfare of mankind. The best that every individual or group has produced anywhere in the world has always been available to serve the race of men regardless of nation or color."

Another truth which we recognize and honor is that Meharry is a product of mutual cooperation of the races, by its founding and by its very development.

It seems that Meharry presents the formula of greatness to America. In honoring Meharry and Dr. West today, we honor the great foundations created by men sensitive to the needs of mankind, by men who have been willing to jettison their fortunes to create horizons for their less fortunate brothers - Meharry knows these foundations well: Carnegie, Rockefeller General Education Board, the Rosenwald Fund, the Harkness Foundation, the Kellogg Foundation, the Methodist Board, plus substantial contributions by many individuals.

As I view the procession of physicians who pass through our lives, I often am reminded of an old parable. Once three stone-masons were asked, one after the other, what they were doing. The first, without looking up, answered, "Earning my living". The second replied, "I am shaping this stone to pattern". The third lifted his eyes, paused and said, "I am building a Cathedral". So it is with the men of medicine. The attitude and preparation of some show that they have no conception of their effort higher than making a living or purchasing a mink coat and Cadillac for

their wife; others are dutiful but uninspired in trying to shape their research or practice to a work-a-day pattern; but it lifts the heart of all mankind when we recognize that some men of medicine, in the image of Dr. West and the other great men of Meharry, have recognized that they are building a Cathedral for all humanity. We know that the great men of Meharry, if they had been concerned about merely earning a living, would never have stayed here for there are more profitable ventures than teaching and research; we know that if the great men of Meharry were merely trying to establish a successful research pattern - the commercial laboratories would have granted them more lucrative opportunities but only the men who wanted to build a cathedral, only the men who in their dreams saw the highest star or constellation, only the men who knew that when one builds a great medical school as with a cathedral, that a legacy is left to uplift all Negroes and all mankind for eternity, only men of such illumination would have been able to stay here for the decades that Dr. West has known the headaches, the heartaches, and the lonely moments which every administrator knows, when those around him, who seemingly could help him most, remain silent in the hour of greatest need.

These physicians and scientists were born into a world they never created - a world which greeted them with fear, prejudice and ignorance. It would have been easier to repay such a world with misanthropy and indifference. Instead they have constructed their own world both at Meharry and throughout all parts of the globe as a universe of dedication, of selflessness, and ministration to the fears and ills of all men.

In closing, it might be appropriate to mention one other parable:

In historic times, an old man stood on the outskirts of Damascus, and he observed Death walk by. He asked Death where was he going and how many people would be killed. Death replied - 20,000 at Damascus. Some days later the old man still stood by the road, now with unlimited grief. As he saw Death approach he said, "Death you lied to me, you said you were going to take only 20,000 lives and instead you took 100,000". Death replied "Old man I did not lie to you, I took 20,000, but fear took the rest, fear took eighty per cent of those who unnecessarily died."

If we are going to think of what is the future of Meharry, perhaps tonight we should make a pact that fear will not be our companion. Instead we should recognize that

Meharry's great capital improvement program can be accomplished only if each of us meets our responsibilities - to paraphrase Horace Mann - "Of being ashamed to die until you have won some great victories for humanity".

If we will abolish any fears of pettiness which separate us as individuals and as a race and give to Meharry the type of greatness and support that it has given to America, then Meharry's cathedral will be the ^{brightest} constellation of man's greatest horizon and greatest potential. Its scope will be world-wide; its depth from heaven to hell.

Though of course we urge total integration and total equality of opportunity in all medical schools, we should cast away the gibberish fear that alleged integration of the predominantly white medical schools will cause the demise of the great Negro institutions such as Meharry which have carried ninety-nine per cent of the brunt from slavery to date. The truth of the matter is that while in 1955 there were 216 Negroes enrolled in predominantly white medical schools, in 1962 there were only 164; thus a decrease of almost twenty-five per cent.

The choice is not integration at other schools and a diminution of Meharry, the answer is a simultaneous insistence of equality of opportunity at all schools while at the same time building and expanding Meharry as the world's finest available for all; we cannot risk the future of the Negroes' health on the uncertainty of other schools absorbing the gap. I emphasize that this fact is basic. Even though I have never attended a university or college known as a "Negro institution", and even though I was treated with total fairness at Yale and Antioch, I know that the trickle of graduates - black and white - into the Ivy League cannot by itself solve all of the problems of the human league.

Thus, let us as Shakespeare said "To thine ownself be true".

Let us conclude this evening by something more than a mere round of applause for Dr. West.

In his Gettysburg Address, Abraham Lincoln expressed the philosophical precept for the termination of this testimonial banquet. He said:

"The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather,

to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced ... It is rather for us to be here dedicated to the great tasks remaining before us ... We take increased devotion to that cause for which they gave the last full measure of devotion."

Let us here in every spiritual, material and financial way possible this evening and forthwith be irrevocably "dedicated to the unfinished work" which Dr. West has thus far so nobly advanced; let us, not by applause or speeches which certainly the world will forget, but by what we do, give that "last full measure of devotion" so that Meharry will be the cathedral of science and greatness for all times to come - indeed for an eternity, for all of mankind.

0) Misc.

8 March 1968

Honorable Ralph E. Odum
Assistant Attorney General
State of Florida
Tallahassee, Florida

Dear Mr. Odum:

Mr. Barrett has given me your letter of February 26 which deals, among other things, with the Cuban refugees.

The possibility which you suggest will be looked into.

The Attorney General appreciates your suggestion, and the cooperation which you have shown us in dealing with the schools.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

sent to Jim Symington with note -- "I discussed this with the Attorney General. He would like you to follow up on it." BH

DEPARTMENT OF JUSTICE

TO Mr. Burke Marshall - Room 1145

REMARKS:

- ☐ ATTORNEY GENERAL
 - ☐ EXECUTIVE ASSISTANT
 - ☐ OFFICE OF PUBLIC INFORMATION
- ☐ DEPUTY ATTORNEY GENERAL
 - ☐ EXECUTIVE OFFICE—U. S. ATTORNEYS
 - ☐ EXECUTIVE OFFICE—U. S. MARSHALS
- ☐ SOLICITOR GENERAL
- ☐ ADMINISTRATIVE DIVISION
- ☐ LIBRARY
- ☐ ANTITRUST DIVISION
- ☐ CIVIL DIVISION
- ☒ CIVIL RIGHTS DIVISION
- ☐ CRIMINAL DIVISION
- ☐ INTERNAL SECURITY DIVISION
- ☐ LANDS DIVISION
- ☐ TAX DIVISION
- ☐ OFFICE OF LEGAL COUNSEL
- ☐ OFFICE OF ALIEN PROPERTY
- ☐ BUREAU OF PRISONS
- ☐ FEDERAL PRISON INDUSTRIES, INC.
- ☐ FEDERAL BUREAU OF INVESTIGATION
- ☐ IMMIGRATION AND NATURALIZATION SERVICE
- ☐ PARDON ATTORNEY
- ☐ PAROLE BOARD
- ☐ BOARD OF IMMIGRATION APPEALS
- ☐ ATTENTION

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FROM ASSISTANT ATTORNEY GENERAL

Tax Division

JUST IMAGINE

A LEADING FLOWER farm at Chattanooga, Tenn., with a large Southwestern clientele, employs a Negro flower designer who works with white colleagues. President Kennedy in his address to Congress Feb. 28 made no recommendation in the realm of racial discrimination in employment. He did, however, caution labor unions which have been accused of discrimination. He said he hoped administrative and legal action would make any legislation unnecessary.

March 7, 1963

The Birmingham News

ATLANTA IMAGE AS MIX LEADER CALLED MOSTLY JUST IMAG

ATLANTA

March 6 (AP)—South-

Georgia, is doing a better job in

meeting the working standards of

a two-cent standard rather than

to them when it comes to

meeting for a job.

There were more other find-

ings:

ATLANTA'S IMAGE as a leader

in the integration movement

in the South is, for the most

part, only an image.

While scattering of Negro Chris-

can be found among Atlanta's

smaller downtown stores, the

city's two biggest department

stores have only one Negro

clerk each.

This compares with more

than 100 each position held by

negroes in Miami.

Although there are about 1,500

negroes in apprenticeship train-

ing programs in DeKalb County

(Atlanta), Fla., none in a Negro

Negroes at Houston, Tex.,

prevalence as leaders in busi-

ness — but and strenuous work-

paying \$25 for a 10-hour week—

and as shift press operators, con-

sidered by laundry owners as

highly skilled work.

DESEGREGATION of various

public facilities and upgrading

of Negro employment has

moved ahead quickly in Miami.

Negroes there are being given

such jobs as clerks, sales girls,

readers and similar positions in

stores which previously employed

only white persons.

In 1961, President Kennedy is-

suited an executive order giving

the President's Committee on

Equal Employment Opportunity

powers to require government

contractors to eliminate job dis-

crimination. The executive order

was called the plan for progress.

The key to the plan was

that it was voluntary. Eventual-

ly, more than 100 major com-

panies in the United States with

federal contracts signed the

agreement. Of those, 34 were

either located or had branch

offices in Atlanta.

Of the 34, says the Southern

Regional Council, only three lived

up to the agreement: Lockheed's

plant at nearby Marietta, Ga.,

year Tive & Rubber Co.

Robert B. Treatman Jr., an

Atlanta lawyer and a former

member of the committee which

draw up the plan for progress,

said in this final report that sum-

mer that 37 firms throughout the

region which signed the agree-

ment reported a 10 per cent in-

crease in non-white workers in

a six-month period.

THE TOTAL INCREASE in in-

come for non-white workers was

expected to have been about \$7.8

million, but the report shows that

it was voluntary. Eventual-

ly, more than 100 major com-

The Southern Regional Council

noted that only a small portion

of this additional income was

paid in the South.

In a related position, as dis-

tinguish from hourly-paid

jobs, the 37 companies reported

at the beginning that only 1 per

cent of the jobs were held by

non-whites.

At the end of the six months,

Treatman reported, 6.5 per cent

of the new jobs were

filled by non-whites.

The council says that "except

for a handful of the companies,

the plan for progress was, for

the regional officers in Atlanta,

largely meaningless."

ONLY SEVEN of the firms

gave any evidence that they are

trying to comply with their

pledges, the council said.

Many employers in the South

are hiring Negroes because it

is good business to hire good

workers. Most do not want any

publicity.

A young Negro woman, hired

as a maid by a jewelry store in

Atlanta, does all of the store's

bookkeeping and earns a book-

keeper's salary. The manager

said he requires her to wear a maid's

uniform, so his customers won't

know that she works in a white

collar job.

In Houston, a bakery, two

automobile dealers and brew-

ing company have hired Negro

salesmen. But they work with

Negro customers.

A national food processing firm

at Houston says the company

has more Negroes in key

positions than at any time in the

firm's history. These include for-

men, supervisors and coffee pro-

cessors.

And a waiter in the coffee-shop

department, a previous pos-

ition, is a Negro with long hair.

A LEADING FLOWER farm

at Chattanooga, Tenn., with a

large Southeastern clientele, em-

ploys a Negro flower dealer

who works with white colleagues.

President Kennedy in his ad-

dresses to Congress Feb. 28 made

no recent mention in the realm

of racial discrimination in em-

ployment. He did, however, call

upon labor unions which have

been accused of discrimination.

He said he hoped administrative

and legal action would make

legislation unnecessary.

Misc.

11 March, 1963

Professor [REDACTED]
The University of Wisconsin
Law School
Madison 6, Wisconsin

Dear [REDACTED]

Thanks for your note on the
President's message. I will look for-
ward to hearing from you.

My secretary just brought me your
letter on schools. I enjoyed my exchange
with [REDACTED]. We are all very close in our
thinking.

Best regards,

Burke Marshall

THE UNIVERSITY OF WISCONSIN
LAW SCHOOL
MADISON 6, WISCONSIN

March 7, 1963

Mr. Burke Marshall
Department of Justice
Washington, D. C.

Dear Burke:

[redacted] has just sent me copies of the letter you wrote to him February 26 and of his reply of March 5. I take my hat off to each of you for having turned out the reflective and responsible letters which you did.

[redacted] open with the point that the area of disagreement between you and those at Notre Dame is not great and is largely one of emphasis rather than disagreement in kind. On this I am in hearty agreement. We have attempted, as you know, to live with a ground rule which sought to avoid tactical considerations of what Congress might accept. In substantial measure I think we stayed faithful to that assumption, although clearly there were ultimate pragmatic limitations which shaped the choices which we collectively made.

At the level of tactics, which for you is a critical consideration, it is important to account for Congressional reaction to particular proposals. Frankly, I concur with your judgment that the enforcement machinery we suggested cannot be enacted in the present session. Further, I think that you have in proposing the assistance bill selected the most palatable first step, and I agree with you that its adoption will be of much importance in itself. More than this, I think it likely that a piecemeal approach is more likely over the course of time to bring about substantial Congressional backing of the school desegregation effort. It will, I believe, be easier to return later for further Congressional support once the ice has been broken in any significant way.

You make the good point that we must be ever alert to assure maximum respect for law in the community and on this I am sure none of us are in disagreement. It was, I think, our collective judgment that we did not wish to minimize the difficulties inherent in defining rights which could not be promptly and fully secured. Our recommendation, first that boards had a present duty to announce plans of desegregation, and second that the Attorney General be given permissive authority to initiate enforcement

*Dear Bill:
Sincerely with
note, I received
another letter from you,
this time as a whole. I
enjoyed my exchange with
Laurie. We are all very
close in our thinking.
But gone.*

March 7, 1963

proceedings, was grounded on the assumption that the magnitude of the job was substantially greater than would be the total resources available to secure immediate compliance everywhere. Having recognized this, we assumed that any decision to enforce would call for the exercise of discretion and hard appraisal of the price paid and the advantage to be gained. There would be the question of making best use of available Justice Department resources. In some instances a community might be selected because much could be achieved with minimal commitment of effort. At the other extreme, extremely difficult situations could be entered--despite some risks in the outcome--simply because they presented obstacles so serious that they had to be attacked.

It, of course, followed from this that the uncomfortable explanation would have to be made that defiance of duty was being permitted to continue in some places simply because machinery for enforcement was not extensive enough to do everything at once. On the other hand, the discretionary power vested in the Justice Department could be invoked, I believe, rather promptly to negotiate or judicially compel desegregation of some hundreds of districts in Florida and in the middle and upper South in which relatively small Negro minority populations are found and in which local resistance is not likely to be serious. Too, discretion would enable action to be taken in some of the larger communities where the likelihood of schools closing for any extended time seemed improbable. This would, of course, still leave the more rural areas with larger concentrations of Negroes in the local population and there will in time, of course, be the need to single out some of these for judicial attack simply because this job, too, must be faced.

I suppose my central point is that for all the difficulties of partial enforcement, the strong arm of the Justice Department can play a useful and needed role. But to return to the assumption that Congress will not adopt enforcement machinery at this time, I accept the fact that we must wait for now before realistically pressing Congress for this authorization. And in the meanwhile, it will indeed be helpful to get the technical assistance support.

Again, I cheer your thoughtful reactions and I am grateful for a chance to see them.

Faithfully,

GWF:skb

cc: Mr. [REDACTED]

THE UNIVERSITY OF WISCONSIN
LAW SCHOOL
MADISON 6, WISCONSIN

March 6, 1963

Mr. Burke Marshall
U. S. Department of Justice
Washington, D. C.

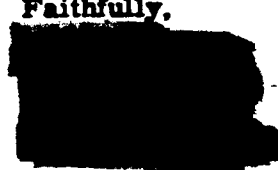
Dear Burke:

Thanks so much for the President's statement on civil rights. I certainly think it was useful for him to have said the things he did in such a comprehensive manner, though I am sure you appreciate that I am somewhat disappointed that the education business did not receive as much backing as I might have hoped. On the other hand, I realize there were complex forces to resolve in making these decisions and think I can understand why some of the harder ones were ducked.

I am working on the voting memorandum, though more remains to be done. It should be along shortly, however, and I would like a lot to talk with you about it thereafter.

Thanks again for your thoughtfulness.

Faithfully,



Dear Bill:
Thanks for your
note on the President's
message. I will look
forward to hearing from
you. Best regards

Misc.

11 March 1963

Honorable Barefoot Sanders
United States Attorney
P. O. Box 153
Dallas 1, Texas

Dear Barefoot:

Thank you for your last letter
on Grand Prairie. This sounds more
hopeful. I wish you luck.

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

United States Department of Justice

UNITED STATES ATTORNEY

NORTHERN DISTRICT OF TEXAS

DALLAS 1, TEXAS

March 8, 1963

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Re: Grand Prairie Independent
School District

Dear Burke:

Mr. [REDACTED], Attorney for the Grand Prairie School Board, tells me that he has recommended to the Board that it adopt a plan of gradual school desegregation. He further says that it appears to him that the Board may be inclined to go along with his recommendation but that no final decision nor official action will be taken until after the school board elections on April 6.

Mr. [REDACTED] feels, and I agree, that any action by the Board on this situation during this campaign period would likely make the entire matter a political issue, and open the door for demagoguery by irresponsible elements in the community - something which no one wants to see happen. Accordingly, he and I agreed that final decision by the Board can be held in abeyance until after the April 6 elections. I will be in touch with him shortly after that date.

I am considerably more hopeful about the Grand Prairie situation than I have been heretofore.

Sincerely,

Barefoot Sanders
United States Attorney

Misc

11 March 1963

[REDACTED]
New Orleans 13, Louisiana

Dear [REDACTED]

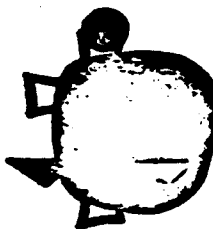
Thank you for your note on the invitation from Jackson to the HOPE group. It is at least mildly encouraging. I appreciate your keeping me advised.

Best regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Southern Field Service
**National Catholic Conference
 for Interracial Justice**

1046 Baronne Street • New Orleans 18, Louisiana • 523-6301



March 7, 1963

Mr. Burke Marshall
 Assistant Attorney General
 Civil Rights Division
 Department of Justice
 Washington 25, D. C.

Dear Burke:

You might be interested in knowing that a group of more than a hundred prominent women in Jackson recently invited the president of HOPE from Atlanta - the group that worked for the successful opening of public schools in Atlanta - to address them and explain what they had done. She was extremely well received and further work will be done by the Jackson women.

Perhaps you already knew of this but in the event that you didn't I thought that it might be helpful to you in making your plans.

Yours sincerely,

Henry
 Henry Cabirac, Jr.

HC:kv

① Dear Henry:
 Thank you for your note on the invitation from Jackson to the HOPE group. It is I send mildly encouraging. I appreciate your keeping us advised!
 Best regards.

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DIRECTOR, SOUTHERN FIELD SERVICE
 Henry A. Cabirac, Jr.

② John Doe

Misc.

11 March 1963

Dean [REDACTED]
The Yale Law School
New Haven, Connecticut

Dear [REDACTED]

[REDACTED] has informed me that he has made an application for the Law School. I had hoped that he would do so.

Mr. [REDACTED] has never worked for me, so I cannot speak directly as to his writing ability, which is of course a prime asset in law school. But I have seen enough of him to have been impressed with his intellectual eagerness, his energies, and his imagination.

Over a time, I think that he will be an asset to this country and a Negro leader of some importance. I am sure that he would benefit from the School, and I think that the School would probably benefit from having him as a student.

I hope to see you soon.

Best regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Misc.

11 March 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Attached for your information is a copy of the brief and appendix which was filed in connection with our efforts to knock out an unconstitutional the Louisiana Constitutional Interpretation Test.

This was presented to the Court last week.

I think a flip through the brief and the appendices will show how much work went into the brief. It is a highly competent, well-organized piece of work, setting forth factual material in great detail but in a manner that can be easily followed.

Except for me, the persons whose names appear on the brief are responsible for this job. But in addition four other lawyers in the Division worked very hard for several weeks in organizing and preparing material. These are Richard K. Parsons, Louis M. Kauder, Alexander C. Ross, and Theiten E. Henderson. I would appreciate it if you could call these men or drop them a note on this piece of work.

BN

Attachment

Miss.

11 March, 1963

Professor [redacted] Jr.
The University of Wisconsin
Law School
Madison 6, Wisconsin

Dear [redacted]

7
Thanks for your note on the
President's message. I will look for-
ward to hearing from you.

My secretary just brought me your
letter on schools. I enjoyed my exchange
with Leslie. We are all very close in our
thinking.

Best regards,

Burke Marshall

misc.

11 March 1963

[REDACTED], Esquire
Attorney at Law
[REDACTED]
Columbia, South Carolina

Dear Mr. [REDACTED]:

Thank you very much for your letter regarding the qualifications of Mr. [REDACTED] for one of the court vacancies in South Carolina. We appreciate having your views. You can be sure they will be given consideration.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

0 0 *Misc.*
Notre Dame Law School
Notre Dame, Indiana

March 11, 1963

Office of the Dean

Mr. Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Burke:

Some of the points made in your letter of February 26 to [REDACTED] seem to be of doubtful validity. For instance, your comment under 3, that "this law would not be obeyed". Is that really a relevant consideration? The Law of the Land is already being disregarded.

I must say, though, that at least one participant in the Conference agrees with you on many if not most points, particularly those set out on page 3 concerning the Federal-State relationship.

With thanks for the grand job you are doing and warmest regards, I am

Sincerely,
[REDACTED]

Mac.

March 11, 1968

Honorable Paul H. Douglas
United States Senate
Washington 25, D. C.

Dear Senator:

This is in reply to your inquiry of February 25, 1968, relating to the FBI practice in receiving and distributing identification data from police departments in the South concerning arrests growing out of racial disturbances.

The Identification Division of the FBI merely acts as a national repository for fingerprint data submitted voluntarily by other agencies and in exchanging arrest information with law enforcement agencies records the charge and disposition exactly as they are reported. It is the responsibility of the contributing agency to indicate on the fingerprint card the charge placed against the individual arrested.

FBI identification records are limited to duly authorized law enforcement organizations and agencies of the Government, either Federal, State or local, for official purposes. Each identification record disseminated by the FBI contains a specific notation calling attention to the fact that the information shown on the identification record represents data furnished the FBI by fingerprint contributors and, where a final disposition is not shown or further explanation of the charge is desired, the recipient should communicate with the agency contributing the fingerprints.

Unless the local police officials who submit arrest and conviction data to the FBI on fingerprint cards specifically label such data as related to racial disturbances, the FBI has no method of characterizing it as such. Terminology used by local police to describe arrests is subject to various local interpretations and depends on the evaluation of the authorities in the area where the arrests occur. As pointed out above, the FBI records the specific charge and refers the inquiring agency to the original contributor of the data when further explanation is desired.

With kind regards,

Sincerely yours,

Bureau Copy

Attorney General



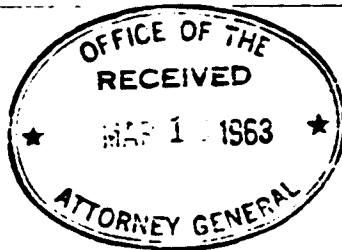
11 March 1963

MEMORANDUM TO THE ATTORNEY GENERAL

This looks OK to me.

BN
BN

Attachment



Q

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Burke Marshall
Assistant Attorney General

DATE: March 8, 1963

JMA FROM : Director, FBI

SUBJECT: RECORDS OF ARRESTS AND CONVICTIONS
RELATED TO RACIAL DISTURBANCES IN
THE SOUTH

Reference is made to your letter dated March 1, 1963, your file BM:JLM:llh 44-3-11, enclosing a letter dated February 25, 1963, to the Attorney General from Senator Paul H. Douglas.

I am enclosing a letter dated March 11, 1963, for the Attorney General's use in replying to Senator Douglas. The letter dated February 25, 1963, from Senator Douglas to the Attorney General is also enclosed.

Enclosures (2)

33-1

March 12, 1963

The Honorable Robert F. Kennedy
Attorney General of the United States
Washington 25, D. C.

My dear Mr. Attorney General:

On behalf of the Officers and Trustees of the Potomac
Institute, I am pleased to forward our report entitled,
"State Executive Authority To Promote Civil Rights".
It is our hope that you will find this report of
interest.

Should there be any way in which I could be of ser-
vice to you in connection with this publication,
please do not hesitate to contact me.

I am,

Sincerely yours,

Stephen R. Currier
President

Enclosure

Burke: While you already have
received this under the
rose, I wanted to have
the pleasure of sending
you a copy — with regards — S.R.

Form No. DJ-96a
(Rev. 4-13-61)

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. Don Oberdorfer <i>L 20</i>	
2. Mr. Marshall	
3.	
4.	
5.	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION

☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____

☐ PREPARE REPLY FOR THE SIGNATURE OF _____

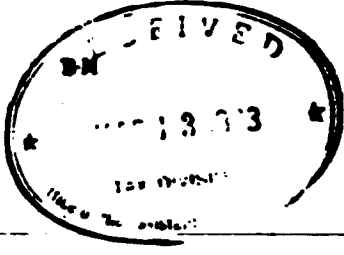
REMARKS

3/12

Lou:

You might be interested.

Please return.



FROM	
NAME	BUILDING, ROOM, EXT., DATE

THE INAUGURAL ADDRESS OF GEORGE C. WALLACE AS A SOUTHERN DEMOCRAT
WRITTEN IT

Ladies and gentlemen of the great state of Ala! Can y'all see me? Hey Jimmy, Jimmy Allen, hand me that goddamn flag to stand on. Now, Ladies and gentlemen, I know that this is supposed to be an inaugural address, but I've decided to talk about the subject that is the life of every sycophantic Anglo-Saxon politician today: Segregation. Because I know where the votes are. I stand before you today on this sacred place as living proof that you don't have to be big to be loud. You don't have to make sense to be heard. You don't have to play a fiddle and sing "You are my Sunshine" to be elected Governor of Alabama. You don't even have to tell the truth. All you have to do is to gather up your 5' 2" frame and your 3' 6" mind and your 12" dumb lungs and yell "Nigger." And if you yell it loud and long enough, folks will begin to think you are sincere, and then they'll begin seeing one of what you're yelling in every woodpile. And we ain't gonna integrate no woodpiles in Alabama! Not today, not tomorrow and not forever. If I get to heaven and find integrated, scallawagging, carpetbagging, communist-infiltrated woodpiles, I'll just go to hell. And if I have to take Alabama with me, I'll do it.

Segregation, that's our cry. Segregation, do or die! You sons of the South know what segregation is -- It is the inalienable right of every white-skinned fair-haired, blue-eyed Anglo-Saxon citizen of our beloved Dixieland to keep the Nigger in his place, and to decide what his place is. Segregation is the right of the white man to decide that the Nigger is a clumsy, catfish animal, that ain't got no soul and don't know how to talk English. Segregation is the right of the colored folks to go to inferior but equal schools, and to live in inferior but equal houses. Segregation guarantees the right of colored folks to remain ignorant, and to do our odd jobs for us. Segregation is freedom -- our freedom to treat all second-class citizens like second-class citizens. Segregation is the right of the white man to claim that our god made us this way, and anybody who says otherwise is a carpetbagging, scallawagging, sawed-off, lying blasphemer. And of course you good people know who our god is. When I talk about our god, some people think I'm talking about Jehovah, who said, "Let justice roll down like waters." Some people have the mistaken notion that our god is the Father of Jesus Christ, in whom there is no north or south, no east or west, and who is no respecter of persons. No, when I talk about god, I certainly don't mean anything as subversive as Jehovah or the Father of Jesus Christ. I mean our god OSWOLD. Our Southern Way of Life Dammit. (Although I don't approve of cussing, remember you have to be loud when you're little, and OSWOLD is little too.) Our Southern Way of Life Dammit means the right of every farm boy to get up at four every morning and slop the hogs, eat peas and cold biscuits for breakfast, then walk down a muddy road and catch a dilapidated school bus and go to a dilapidated school taught by some of the lowest paid teachers in the U.S. and A. It means the right of every factory worker to work without fear that someone is going to unionize his shop and mess around and raise his wages, or improve his working conditions and fringe benefits. It means the right of every worker to trade at the commissary store and never question the balance. It means our right to terrorize and intimidate everybody who doesn't worship OSWOLD. It means the right of all followers of OSWOLD to tell their preachers to stick to the old gospel of states rights and private morality. OSWOLD stands for the right of his loyal devotees to spit in the eye of all duly constituted and elected fedwals. OSWOLDians hate everybody who lives north of the Mason-Dixon Line, went to Harvard, works in Washington, pays income taxes, supports the U.N., likes jazz, and drinks anything stronger than buttermilk. OSWOLDians reserve the right to refuse service to non-OSWOLDians. OSWOLDians reserve the right to resist the judicial tyranny of the nine old communist-dominated, Myrdal-inspired, justice-provoked justices of the Supreme Court, because we know that if we submit to the yoke of their tyranny, it spells the doom of the tyranny we love to inflict in the name of OSWOLD on everybody we hate, especially outside agitators, who purport to be citizens of the U.S. and A.

Y'all see that sign up there? Aw hell, somebody goofed. It was supposed to say "In OSWOLD we trust." Now we were supposed to put that sign up there -- somebody forgot it -- just so you and the nine old men and their representatives in the great, sovereign, lily white state of Alabama could see how arrogant and brazen my loud-mouthed defiance is. If this be foolhardiness, let them make the most of it.

I have just been inaugurated Governor of Alabama. But you and I know that I am not Governor of all of Alabama, because 50% of the people of Alabama are Niggers, and obviously don't have sense enough to vote -- and those that did sneak into the polls and pretend to be born free, human being citizens of this state sure didn't vote for me. And I'm sure the fussy-headed, pseudo-intellectual, pseudo-liberal, Kennedy-cratie, New Frontier white folks didn't vote for me. And I'm sure the Jews, Unitarians and Episcopalians didn't vote for me. In fact, I don't know how I got here -- unless it was the insipid, block headed voters of Alabama. But I'm here and I'm governor. And I'm drawing a line in the dust with the big toe of my right foot (Damn this Yankee weather!), and I'm saying whoever steps across that line is a carpetbagging, scallawagging, two-seed-in-the-spirit, pre-baptised, clod-hopping, lily-livered, out-throating, integrating rotten egg! And that goes triple too, y'all!

And when they drag my gallant, south-loving, OSWOLD-worshipping, leather-lunged, kicking and screaming body away from the school-house door, y'all come to see me in the integrated federal prison in Atlanta.

Jimmy, help me down off this soft drink flat.

by Paul E. Cosby

TERRELL L. GLENN

Office.
UNITED STATES ATTORNEY
EASTERN DISTRICT OF SOUTH CAROLINA
COLUMBIA, SOUTH CAROLINA
March 13, 1963

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

Mr. Glenn is out of the office this week because of illness, and he asked that I reply to your note of March 8, 1963. He states that he appreciates your information and that as soon as he returns to the office he will act, immediately, upon your request and advise you of the results.

Yours very truly,

Anne N. Boylston
(Mrs.) Anne N. Boylston,
Secretary

From

THE ATTORNEY GENERAL

11/11/61

Jim Synge
The future is for
the future!

Deputy Attorney General.....	
Solicitor General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal.....	
Assistant Attorney General, Legal Counsel.....	
Assistant Attorney General, Internal Security.....	
Assistant Attorney General, Civil Rights	✓
Administrative Assistant Attorney General.....	
Director, FBI	
Director, Bureau of Prisons.....	
Director, Office of Alien Property.....	
Commissioner, Immigration and Naturalization..	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Special Assistant for Public Information	
Records Administration Office	

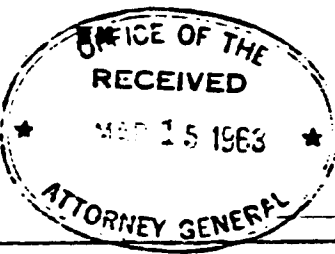
For the attention of Burke Marshall

REMARKS:

ROUTING *IP*

TO	
NAME	BUILDING AND ROOM
1. <i>Mr. Tolson</i>	
2. <i>Mr. Marshall</i>	
3.	
4.	
5.	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
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<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS	3/15
<p>Jim:</p> <p>The footnote is for your information. Please return.</p>	
<div style="text-align: center;"></div>	

FROM		
NAME	BUILDING, ROOM, EXT.	DATE



RICHARD W. ERYN
ATTORNEY GENERAL

STATE OF FLORIDA
OFFICE OF THE
ATTORNEY GENERAL
TALLAHASSEE

March 13, 1963

RALPH E. ODUM
ASSISTANT ATTORNEY GENERAL

*Green Springs, Inc.
The future is for
you information.
Production.*

Hon. Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Marshall:

Thank you for your letter of March 8.

I am concerned with the apparent lack of interest on the part of Bay county school officials in consulting with anyone at the state level regarding their racial problems. I have written to Mr. Barrett about this in some detail.

I appreciate your interest in the possibility of use of the Green Cove Springs Naval Air Base facility as a housing center for Cuban refugees.

With best wishes, I am

Sincerely,

Ralph E. Odum

Ralph E. Odum
Assistant Attorney General

REO/lw

P.S. My call to you came in after this letter was typed. I appreciated the opportunity to talk to you. I am sure that you will find objections to the relocation of Cuban refugees to almost any section of the country both by the Cubans and local citizens. However, the Miami situation is now so serious in my opinion as to outweigh these objections. I believe that if a training and education program could be initiated for the refugees in a relatively isolated area to occupy their time, surrounding communities would find that no real problems exist such as we now have in Miami.

March 13, 1963

Hon. St. John Barrett
Second Assistant
Civil Rights Division
Department of Justice
Washington, D. C.

Dear Mr. Barrett:

Thank you for your letter of March 11 and enclosures which I received this morning.

I have had no communication from the Bay county school officials or their attorney since my letter to you of February 25.

I did receive a copy of Mr. Burke Marshall's letter of March 1 to county school superintendent Earl Cochran suggesting a conference on Wednesday, March 13.

Mr. Herman Myers of the State Department of Education advised me that he thought that Mr. Cochran had asked that the conference be postponed until March 26 but Herman was not sure of this or that Mr. Cochran had written to your office since he had not received a copy of any correspondence from Mr. Cochran to you.

I was uncertain yesterday about the possibility of a failure of communication which might result in your making a useless trip to Panama City so I tried to call you in Washington but discovered that you were not in the office.

This is merely to let you know that I am concerned about the matter and still hoping that Bay county will proceed to try to work out its problems along the same procedure established in Santa Rosa and Okaloosa counties.

Hon. St. John Barrett
March 13, 1963
Page 2

I am a little disturbed, however, by the apparent lack of interest on the part of Bay county in consulting with either the State School Superintendent or this office on this problem.

From our point of view, a great deal more is involved than just Bay county since our State Legislature will meet next month and requested appropriations for education at all levels will be not only very high but very necessary.

I trust you are well and look forward to an opportunity to talk to you when possible.

With kindest regards, I am

Sincerely,


Ralph E. Odum
Assistant Attorney General

REO/lw

cc: Hon. Burke Marshall

P.S. Since this letter was typed, I completed a call to Mr. Marshall which I placed yesterday when I discovered you were out. I will appreciate your explaining to Mr. Marshall in more detail than I could discuss on the telephone our problems from the point of view of this office and the State Superintendent.

William J. Holleran
Executive Assistant
Civil Rights Division

March 13, 1963

GAM:mc

John Dear
First Assistant
Civil Rights Division

Mississippi Newspapers

Kindly obtain one-year subscriptions to the
following Mississippi newspapers:

The Greenwood Commonwealth (a daily paper)
Greenwood, Mississippi

The Mississippi Register (a weekly paper)
237 East Amite Street
P.O. Box 155
Jackson 5, Mississippi

✓ cc: Mr. Marshall